

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
 v.) NO. 3:11-CR-25 (SHIRLEY/PHILLIPS)
)
DAVID MINER)

AGREED MOTION FOR EXTENSION OF TIME

The United States of America, by its counsel, Assistant United States Attorney Frank M. Dale, Jr., respectfully moves for a one-week extension, through and including August 29, 2011, in which to respond to the Motions referenced below. In support of this Motion, the United States would state as follows:

1. The Motions which are the subject of the Agreed Motion for Extension of Time, are as follows: Motion to Dismiss Counts Two and Three (Docket Entry No. 20), and Motion to Dismiss for Violation of the Fifth Amendment Due Process Clause (Docket Entry No. 22).

2. The Motions were received at the beginning of a week when counsel for the United States was out of the office on a family vacation, leaving only one week to evaluate and respond to the motions. In order to have sufficient time to review these motions and prepare an appropriate response, the United States respectfully requests a one-week extension of time. In addition, because the Motions seek dispositive relief, Local Rule 7.1 requires a response within 21 days of the date of service. The United States response is currently due on or before August 22, 2011.

3. Prior to filing the present motion, undersigned counsel contacted the claimant's attorney, Kim Tollison, who stated that he does not oppose the granting of this extension.

For the foregoing reasons, the United States respectfully requests that it be permitted an additional one week, through and including August 29, 2011, in which to respond to the Motions as referenced above. The Court's consideration is appreciated.

Respectfully submitted,
WILLIAM C. KILLIAN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties, will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/ Frank M. Dale, Jr.
Frank M. Dale, Jr.
Assistant United States Attorney